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EXAMINER

TRAN, THIEN D

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 07/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/411,663

Applicant(s)

HESTER, REX R.

Examiner

Thien D Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 6, 8, 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 8, "and/or" is indefinite.

Regarding claims 1, 4, 5, 8, 13, "such that" or "such as" is indefinite

Regarding claims 6, 8 and 14, the limitation "if you need ---" is indefinite.

Regarding claims 6, 8, 9, 14, limitations inside the parenthesis () or bracket [] don't have any weight regarding to the claim invention.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application

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being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, 7, 9-14 are rejected under 35 U.S.C. 102(e) as being participated by Petty et al (U.S Patent No 6,337,8585 B1).

Regarding claims 1, 13, Petty discloses a method of completing a quality voice telephone call between an Internet Web Page user having at least one Customer Premise Equipment (CPE) device capable of either voice or data, or both voice and data communications, including PC, telephones, work stations (multimedia PC, multimedia TV and/or other multimedia devices), to an ISP (Local Switch Access) and the advertiser of a product/service on the Web Page having CPE coupled to the same or another group of communication service which could be an ISP or switch or server such as OAM server (col.6 lines 30-65, figure 2), comprising the steps of:

coupling a OAM server for VoIP (Managed Voice-over-Internet Protocol) telephone network between said Internet Web Page user LSAP and said advertiser CPE such that a PSTN quality voice telephone conversation can take place between said Web Page user and said advertiser (col.7. lines 20-40);

using said CPE and said Internet to locate a product/service of interest to said Web Page user;

associating an advertiser telephone number with said product/service of interest; and

using said Internet to enable said VoIP system to establish at least voice and preferably voice and IP data connections between said Web Page user and said advertiser CPE by means of said telephone number (col.8 lines 65-67). See figures 1, 2 and 3.

Regarding claim 2, Petty discloses a method of further comprising the steps of: providing a second group of location (could be second ISP) as said advertiser CPE for establishing IP data connections with said Web Page user. See figures 6 and 7.

Regarding claim 3, Petty discloses a method of further comprising the step of providing an Internet Protocol based CPE as said advertiser CPE for receiving and transmitting both voice and Internet data from and to said Web Page user. See figure 8 lines 1-5.

Regarding claim 14, Petty discloses a method, wherein the step of using said Web Page user information data to locate the appropriate advertiser location further comprising the steps of:

(1) provide menu navigation prompts in place of the present day voice options as available (figures 3 and 4, col.11 lines 40-45);

(2) locate an idle advertiser agent using the menu navigational prompts prior to connecting the call to the Web Page user, (3) notifying said Web Page user of options if no advertiser agents are available such as "hang up and wait for callback from advertiser"; and

(4) providing a voice and Internet data connection through said first and second gateways from advertisers ISP to said Web Page user ISP. See col.12 lines 15-20.

Regarding claim 7, Petty discloses a method of further comprising the steps of coupling an international LSAP to said MVoIP for connecting the international Web Page user CPE to an advertiser's CPE; and

providing voice and Internet data connections through said MVoIP from an advertiser's CPE to said Web Page user's international ISP by means of said telephone number. See col.6 line 40.

Regarding claim 8, Petty discloses a method of establishing a Managed Voice-over-Internet Protocol network (MVoIP) having a Voice-over-Internet Protocol (VoIP) telephone carrier-grade transmission quality equivalent to the carrier quality of the Public Switching Telephone Network (PSTN) for generating voice communications between an Internet Web Page advertiser having CPE coupled to LSAP and a Web Page user having CPE coupled to an LSAP comprising the steps of:

providing a method to simulate present advertiser CPE menus, prompts, and procedures with menu navigation from Web Page;

coupling said MVoIP to (1) said CPE for said advertiser; (2) said LSAP for the Internet Web Page user; and (3) said Internet;

locating an Internet advertised product/service having an associated telephone number and/or correlating a Web Page to an IP address on the MVoIP by browsing said Internet with a Web Page user CPE;

entering a request to said Internet with said Web Page user CPE to cause said MVoIP to provide voice and/or voice and data communications with said advertiser CPE for said advertised product/service;

entering information such as user telephone number, user name, address, and other information available (could be language preference, and user identification of the product/service preferences comprising flight information, ticket purchase, pricing, fares, color, and style, and using said Web Page user information data) to locate the appropriate advertiser location and automatically connect the Web Page user with said to advertiser location (col.9 lines 5-40).

automatically connecting said associated Web Page advertiser to a server within the MVoIP network upon entry of said Web Page user information;

automatically providing menu navigation prompts in place of the present day voice options as available (figures 3 and 4, col.11 lines 40-45);

locating any idle advertiser location at said advertisers CPE through Web Page navigation procedures prior to connecting the call to said Web Page user;

notifying said Web Page user of options if no advertiser locations are available via menu on Web Page users CPE such as "hang up and wait for callback" and "wait for callback from advertiser" and/or "your expected queue time is"; and

providing voice and Internet data connections through said MVoIP from an advertisers CPE to a Web Page user's ISP upon prompts from advertiser. See col.10 lines 5-45.

Regarding claims 9, 12, Petty discloses a method of bypassing the regulated toll portion of the Public Switching Telephone Network (PSTN) to establish voice communications between an Internet Web Page advertiser having a CPE coupled to an

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ISP and an Internet Web Page user having a CPE coupled to an ISP comprising the steps of:

establishing a Managed Voice-over-Internet Protocol (MVoIP) that is capable of bidirectional transmission of both voice and Internet Protocol data communications in parallel with said regulated portion of said PSTN;

browsing said Internet with a Web Page user CPE to locate an Internet advertised product/service having an associated telephone number (or correlating the Web Page to an IP address on the MVoIP); and

using said information to cause said MVoIP to establish both voice and Internet Protocol data communications between the location of said advertiser of said located product/services and said Web Page user through said ISP. See col.4 lines 1-45.

Regarding claims 10 and 11, Petty discloses a method of completing a telephone call between an Internet Calling Party having CPE coupled to a first ISP and an Internet Called Person having second CPE coupled to a second ISP comprising the steps of:

bypassing the regulated portion of the existing Public Switching Telephone Network (PSTN) telephone systems with an MVoIP network having carrier-grade voice quality and that is coupled between said Calling Party ISP and said Called Person ISP such that a voice conversation can take place between said Calling Party and said Called Person;

locating the name of the Called Person on the Internet with Calling Party CPE1 selecting the name of the Called Person from an Internet site using a

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cursor control; and

automatically enabling said MVoIP system to establish a voice connection between said Calling Party and said Called Person that bypasses the regulated portion of the PSTN toll network when the name of said Called Person is selected. See figures 6 and 7.

Allowable Subject Matter

4. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claim 8 is allowed.

Response to Arguments

6. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

7. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically

pointing out how the language of the claims patentably distinguishes them from the references.

8. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

9. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

10. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran

A handwritten signature in black ink, appearing to be 'Thien Tran', with a date '1/14/07' written below it.